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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,248	04/04/2001	David R. Hembree	MI22-1684\US	2645
21567	7590	03/18/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			NGUYEN, VINH P	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,248

Applicant(s)

HEMBREE, DAVID R.

Examiner

VINH P NGUYEN

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 89-132 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 89-97, 108-114 and 125-127 is/are allowed.
- 6) ☒ Claim(s) 98-107, 115-124, 128-132 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2829

1. Claims 98-107, 115-124 and 128-132 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 98, it is unclear what “a first workpiece” and “a second workpiece” represent. Are they shown in any of drawings? It is also unclear how the first workpiece is interrelated and associated with the second workpiece?

In claim 115, it is unclear how the semiconductor device is interrelated and associated with the communicating step. Furthermore, it is unclear how the semiconductor device is interrelated and associated with the workpiece.

In claim 130, it is unclear how “a calibration workpiece” is interrelated and associated with the semiconductor device?

In claim 132, it is unclear how “a production workpiece” is interrelated and associated with the workpiece and the semiconductor device in claim 115.

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

2. Claims 98-107, 115-124 and 128-132 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that the specification does not have support for the step of “receiving a first workpiece and a second workpiece within a workpiece processing apparatus configured to from a semiconductor device using the first workpiece”.

3. It appears that Applicants have not address the issue of 112,2<sup>nd</sup> paragraph in claim 115 such as the relationship of the semiconductor device and the communicating step. It is necessary to understand this relationship and the relationship between the workpiece and the semiconductor device in order to perform the concept of the instant claim 115.

Applicants also argued that Barnes fails to disclose or suggest "communication of signals using a workpiece" provided within a workpiece processing apparatus and the clamping electrostatic force generated by the chuck of Barnes fails to disclose or suggest the claimed communicating. Examiner disagreed with Applicants about this issue. According to Barnes et al, the wafer (32) is electrically coupled to the electrodes (34,38) of the workpiece holder (30) and the circuitry of the wafer communicates with the circuitry (34,38) of the workpiece holder (30). Therefore, Barnes et al meet the limitation of broad claim 115.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 115-117,119-123(insofar as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes et al (Pat # 5,670,066).

As to claims 115,117,119,122, Barnes et al disclose an apparatus as shown in figure 1 having a Semiconductor wafer/workpiece (32) and workpiece holder (30) for supporting the wafer and for making contact with the bottom surface of the wafer (32). It is noted that the electrodes (34,38) are considered as “circuitry of the workpiece holder (30) and the wafer (32) would inherently has circuitry at its bottom. According to Barnes et al, the wafer (32) is electrically coupled to the electrodes (34,38) of the workpiece holder (30) and the circuitry of the wafer communicates with the circuitry (34,38) of the workpiece holder (30).

As to claims 116,120, it appears that the circuitry of the wafer and the circuitry of the workpiece holder is coupled at a surface of the wafer (32) and the surface of the workpiece (30).

As to claim 121,it appears that the electrode (38) would be qualified as “an intermediate member since it is located between the wafer (32) and the other electrode (34).

As to claim 123, it appears that the communicating signals from the circuitry (34,38) of the workpiece holder (30) are information.

6. Claims 89-97,108-114 and 125-127 are allowable since prior art does not disclose a detailed method of processing a wafer as recited in these instant claims.


7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900 .

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2829  
03/11/04